

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PROGRESSIVE AMERICAN )  
INSURANCE COMPANY, )

Plaintiff, )

vs. )

CIVIL ACTION NUMBER:2:06cv717-1D

CAROL THORN; JOLEEN LEEA )

COLON; DALE EUGENE )

KIRKINDOLL; ELIZABETH S. )

KIRKINDOLL; THOMAS HOLT )

KIRKINDOLL; JAMES W. GRIFFIN )

SANDRA L. GRIFFIN; PATRICK A. )

BELT; CHRISTOPHER B. BELT; )

GENE STEGMAIER; ESTATE OF )

WILLIAM R. KLAUSS, a deceased )

minor; ESTATE OF CHERETY THORN )

a deceased minor; LV STABLER )

MEMORIAL HOSPITAL; BRPT LAKE )

REHABILITATION CENTER; BUTLER )

COUNTY EMERGENCY MEDICAL )

SERVICES; )

Defendants. )

**MOTION TO EXTEND TIME FOR SERVICE UPON DEFENDANTS**

Comes now the plaintiff, Progressive American Insurance Company ("Progressive"), purusant to Rule 4(m) of the Federal Rules of Civil Procedure, and requests to court to extend the time allowed for service upon defendants In support of the motion, Progressive shows unto the court the following:

1. Progressive filed this interpleader action because it received competing claims to its policy limits as a result of an automobile accident that occurred on December 26, 2004.

2. Progressive has obtained service on defendants Dale Kirkindoll, Elizabeth Kirkindoll, Thomas Kirkindoll, James Griffin, Sandra Griffin, Patrick Belt, Gene Stegmaier, LV Stabler Memorial Hospital, and BRPT Lake Rehabilitation Center.

3. Progressive has been unable to perfect service upon defendants Carol Thorn, Joleen Colon, Christopher Belt, and Butler County Emergency Medical Services. Progressive has attempted service upon these defendants at multiple addresses without success.

4. Progressive has been unable to identify the personal representatives of the minor children, William Klauss and Cherety Thorn. However, it is anticipated that Carol Thorn will be able to provide this information after she is located.

5. Progressive hired an investigator who recently obtained additional potential addresses for Carol Thorn and Joleen Colon. Progressive has initiated service at these addresses by certified mail. It has also initiated service upon Butler County Emergency Medical Services at a new address

6. The remaining defendants are necessary to a complete resolution of in this matter.

7. Allowing Progressive additional time to perfect service on the remaining defendants will not prejudice any party to this action.

WHEREFORE, above premises considered, Progressive moves that the court allow an additional 30 days, or, in the alternative, some other reasonable period of time as determined by the court, to perfect service upon the remaining defendants.

/s/ R. Larry Bradford

R. Larry Bradford, Attorney for  
Progressive American Insurance Company  
Attorney Bar Code: BRA039

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216  
(205)871-7733

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 9th day of March, 2007, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Mathew Richardson, Esq.  
Sidney W. Jackson, III., Esq.  
Jackson, Foster & Graham  
P.O. Box 2225  
Mobile, AL 36602

Ronald G. Davenport, Esq.  
P.O. Box 270  
Montgomery, Alabama 36101-0270

Edgar M. Elliott, IV, Esq.  
505 North 20<sup>TH</sup> Street, Suite 1800  
Birmingham, Alabama 35203

Jimmie R. Ippolito, Jr., Esq.  
1409 Coliseum Boulevard  
Montgomery, Alabama 36130

/s/ R. Larry Bradford  
OF COUNSEL